

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
	:	CRIMINAL NO. 1:18-430
v.	:	
	:	(JUDGE MANNION)
SALLY A. BERRY,	:	
	:	
Defendant	:	

ORDER

Based on the court's memorandum issued this same day, **IT IS
HEREBY ORDERED THAT:**

- (1)** The defendant Sally A. Berry's letter Motion for Immediate Release to Home Confinement, **(Doc. 36)**, based on COVID-19 is construed as an emergency petition for writ of habeas corpus pursuant to 28 U.S.C. §2241.
- (2)** The clerk of court is directed to docket Berry's Doc. 36 motion as a §2241 habeas petition and to assign it a separate civil number. Due to the immediate request for relief sought, the clerk of court is directed forgo the thirty-day administrative order requiring Berry to pay the filing fee for a habeas petition, as that can be addressed in the proper jurisdictional court.

- (3) The clerk of court is then directed to forthwith transfer Berry's habeas petition to the U.S. District Court for the Southern District of West Virginia.
- (4) To the extent Berry's Doc. 36 motion could be alternatively construed as a motion for compassionate release, it is **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction since she has failed to comply with §3582(c)(1)(A)'s exhaustion requirement.

s/ Malachy E. Mannion

MALACHY E. MANNION

United States District Judge

DATE: April 27, 2020

18-430-01